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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/809,002 | 03/25/2004 | Jan Wietze Huisman | Vertis-3/Con | 7749 |

7265 7590 12/05/2005

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| EXAMINER |
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KUHNS, ALLAN R

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| ART UNIT | PAPER NUMBER |
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1732

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,002

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

Allan Kuhns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03 25 04</u> | 6) <input type="checkbox"/> Other: _____ |

1.Applicant's election without traverse of Group I, claims 51-90 in the reply filed on September 26, 2005 is acknowledged.

2.Claims 51-90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 51 is indefinite due to the use of "such as" on line 3 and "preferably" on line 17 since it is unclear as to whether or not the phrases following serve to further limit the claims. In addition, improper "Markush" language "selected from a group" or "selected from groups" rather than "selected from the group consisting of" appears in claims 53-58. Substitution of some form of "comprising" in claims 53-58 would also be acceptable (this is also true of claims 74-76). Claim 82 is also indefinite due to the use of the phrase "or the like". Clarification is required.

3.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.Claims 51-80 and 83-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/13184 (Arentsen et al.). Arentsen et al. disclose or suggest the basic claimed method of manufacturing products comprising at least natural polymers (which could be starch) wherein the products are manufactured by bringing masses into a mold, the masses being heated within the mold, such that crosslinking of the natural polymers occurs. It would have been obvious to one of ordinary skill in the art, based on the disclosure of Arentsen et al., to incorporate first and second masses

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having different properties into the mold in order to form a composite of desired properties. For example, Arentsen et al. teach at page 39, line 6 that combinations of granulates may be used and at page 39, line 18 that inserts may be molded into the product. Either of these teachings at least suggests the use of first and second masses having different properties.

Arentsen et al. also teach or suggest the use of a softener, such as water, as in claims 52-54, 80 and 83, at page 23, line 19, and the use of a coating, as in claims 67-78 and 87-90, at page 39, line 17. Arentsen et al. also teach or suggest the use of masses having different properties, as in claims 58-66. Arentsen et al. teach the use of fibers and/or fillers, as in claims 55 and 56, at page 23, line 17 and the use of a colorant, as in claim 57, at page 39, line 10. It is noted that claims 74 and 75 do not require a non zero "number". Official Notice is taken by the examiner that it is known to form natural polymer products having a hinge, as in claim 79, and to provide molding masses with surfactants to adjust surface tension, as in claims 85-86. It is submitted that at least some compression, as in claim 84, is inherent in the process of Arentsen et al. based on the manner in which the masses are fed to the mold.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (571) 272-1196. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Allan R. Kuhns

ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732

11-16-05